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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,882	02/02/2001	Babak Rezvani	CT/003	3959
1473	7590	04/14/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			ISMAIL, SHAWKI SAIF	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/775,882	Applicant(s) REZVANI ET AL.	
	Examiner Shawki S Ismail	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-39 remain for further examination. Applicant's arguments with respect to claims 1-39 filed on December 1, 2001 have been fully considered.

The old rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action mailed June 7, 2004. Applicants' arguments with respect to claims 1-39 have been fully considered but they are not persuasive; therefore, the old rejection is maintained.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-6, 14-19 and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Emens et al. (Emens)**, U.S. Patent No. **6,591,279**.

5. As to claim 1, Emens teaches a method for providing remote access to captured content, comprising:

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locally capturing content for an event using a capture device (claim2, the digital image provides a visual record of the real world event);

automatically transmitting the content from the capture device to a remote computer over a communications network (col. 1, line 64 - col. 2, line 2);

automatically associating the content with a user account (col. 4, lines 27-28);

automatically publishing the content on a remote server (col. 2, lines 47-58, the content would be made available to the user via the internet); and

providing the content to a user access device of a user associated with the user account (col. 3, lines 1-9, the content would be available to the user at any time using the web browser.)

6. As to claim 2, Emens teaches the method defined in claim 1 wherein capturing content comprises capturing content without persistently storing the content (col. 5, lines 4-12, After the sensor is triggered the system notifies the user and publishes the image to the server without constantly storing the image to an internal database.)

7. As to claim 3, Emens teaches the method defined in claim 1 wherein:

publishing the content further comprises automatically publishing the content to a plurality of user accounts on the remote server (col. 2, lines 47-58, the content would be available to the user via the internet); and

providing the content further comprises providing the content to user access devices of users associated with the plurality of user accounts (col. 3, lines 1-9, the user content would be available to the user at any time using the web browser.)

8. As to claim 4, Emens teaches the method defined in claim 1 wherein:

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the method further comprises detecting the event with a sensor; and

locally capturing content comprises automatically capturing the content in response to the detection of the event by the sensor. (col. 5, lines 15-31)

9. As to claim 5, Emens teaches the method defined in claim 4 wherein the sensor is a motion sensor, a contact sensor, a smoke sensor, a humidity sensor, a water emersion sensor, a radon sensor, a temperature sensor, an audio sensor, a carbon monoxide sensor, an infrared sensor, or a radiation sensor (col. 5, lines 26-31, the event triggered can be sound, light, or any other physical activity that can be detected by a sensor.)

10. As to claim 6, Emens teaches the method defined in claim 1 wherein the capture device is a video camera, a still camera, a microphone, or a temperature gauge (col. 5, lines 15-25, there may be video cameras or digital still cameras.)

11. As to claim 14, Emens teaches A system for providing remote access to captured content comprising:

a capture device configured to locally capture content (claim2, the digital image provides a visual record of the real world event);

a remote computer configured to automatically associate the content with a user account and automatically publish the content to a web site (col. 4, lines 27-28 and col. 3, lines 1-9, the content would be associated with a user account and made available at any time using the web browser);

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a monitoring module configured to automatically provide the content to the remote computer from the capture device over a communications network (col. 4, lines 39-49, proxy component 110);

the remote computer configured to automatically publish the content to the remote server; (col. 2, lines 47-58, the content would be made available to the user via the internet); and

a user access device configured to provide content of a user associated with the user account (col. 3, lines 1-9, the content would be available to the user at any time using the web browser).

12. As to claim 15, Emens teaches the system defined in claim 14 wherein the capture device captures content without persistently storing the content (col. 5, lines 4-12, After the sensor is triggered the system notifies the user and publishes the image to the server without constantly storing the image to an internal database.)

13. As to claim 16, Emens teaches the system defined in claim 14 wherein:

the remote computer is further configured to automatically publish content to a plurality of user accounts on the remote server (col. 2, lines 47-58, the content would be available to the user via the internet); and

the user access device is further configured to provide content to users associated with the plurality of user accounts (col. 3, lines 1-9, the user content would be available to the user at any time using the web browser.)

14. As to claim 17, Emens teaches the system defined in claim 14 wherein:

the system further comprises a sensor configured to detect an event; and

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the capture device is further configured to locally capture the content in response to the detection of the event by the sensor (col. 5, lines 15-31).

15. As to claim 18, Emens teaches the system defined in claim 17 wherein the sensor is a motion sensor, a contact sensor, a smoke sensor, a humidity sensor, a water emersion sensor, a radon sensor, a temperature sensor, an audio sensor, a carbon monoxide sensor, an infrared sensor, or a radiation sensor (col. 5, lines 26-31, the event triggered can be sound, light, or any other physical activity that can be detected by a sensor.)

16. As to claim 19, Emens teaches the system defined in claim 14 wherein the capture device is a video camera, a still camera, a microphone, or a temperature gauge (col. 5, lines 15-25, there may be video cameras or digital still cameras.)

17. As to claims 27-32, they have similar limitations of claims 1-6 respectively; therefore they are rejected under the same rationale.

Claim Rejections - 35 USC §103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 7-13, 20-26, and 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Emens et al. (Emens)**, U.S. Patent No. **6,591,279** and further in view of **Vaithilingam et al. (Vaithilingam)**, U.S. Patent No. **6,411,724**.

20. As to claim 7, Emens teaches the method of locally capturing content for an event using a capture device; automatically transmitting the content from the capture device to a remote computer over a communications network; automatically associating the content with a user account; automatically publishing the content on a remote server; and providing the content to a user access device of a user associated with the user account (col. 1, lines 28-30).

Emens does not explicitly teach encapsulating the content with metadata.

However, Vaithilingam teaches the use of meta-descriptors (col. 3, line 44 – col. 4, line 3) in the retrieval process of multimedia information (col. 2, lines 50-52).

21. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Emens and Vaithilingam to encapsulate the content with metadata. Metadata enable computerized searches for multimedia information to be done more quickly due to the generally smaller size of meta-descriptors, as well as more efficiently due to the elimination of less relevant information (col. 3, line 65 – col. 4, line 3.)

22. Claims 8-13 essentially contain the same limitation of encapsulating the content with metadata as in claim 7; therefore, they are rejected under the same reasons as applied above.

23. As to claim 8 Emens teaches the method defined in claim 1 wherein:

publishing the content on the web site comprises publishing the content according to the information about the content (col. 2, line 47-58, the picture and sound would be uploaded to the web for user access).

24. As to claim 9 Emens teaches the method defined in claim 8 wherein:

the information about the content includes the type of the content (col. 2, line 47-58, trigger information is sent to user and it includes the content); and

publishing the content according to the information about the content comprises publishing the content according to the type of the content (col. 2, line 47-58, the picture and sound would be uploaded to the web for user access).

25. As to claim 10 Emens teaches the method defined in claim 8 wherein the type of content includes picture, video, or text (col. 1, lines 43-45.)

26. As to claim 11 Emens teaches the method defined in claim 1 wherein:

the capture device has an associated virtual interface (col. 2, lines 47-58, the audio sensor and the camera have a virtual interface to the remote server for monitoring);

publishing the content on the web site comprises providing the user with access to the content using the virtual interface (col. 2, line 47-58, the picture and sound would be uploaded to the web for user access).

27. As to claim 12 Emens teaches the method defined in claim 1 wherein:

automatically associating the content with a user account comprises automatically associating the content with a user account based on the user information (col. 4, lines 27-28).

28. As to claim 13 Emens teaches the method defined in claim. 1 further comprising:
providing an electronic notification to the user, wherein the notification includes the information about the event (col. 2, lines 54-59.)
29. Claims 20-26 are essentially the same as claims 8-13 except that they set forth the claimed invention as an apparatus rather than as a method and are rejected for the same reasons as applied above.
30. Claims 33-39 are essentially the same as claims 8-13 except that they set forth the claimed invention as an apparatus rather than as a method and are rejected for the same reasons as applied above.

Response to Arguments

31. Applicants' arguments with respect to claims 1-39 filed on December 1, 2004 have been fully considered but they are not deemed to be persuasive.
32. In the remarks, the applicant argues in substance that:
- (A) Argument: Emens fails to show or suggest anything related to publishing captured content for an event on a remote server as recited in claims 1, 14 and 27.
- Response: Emens teaches a system and method for providing notification of real-world events over the Internet using digital images. A user may define an event notification profile such that, when a sensor receives an indication that corresponds to those of the notification profile, a notification, including digital images of the event, is sent to the user in an email. Emens makes available the captured content (digital images) to a remote email server, which a user can access (see abstract, col. 2, lines 25-58). There is no

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limitation as to how the content is made available to the user or that the content is sent without the user requesting it; therefore, Emens notification of real-world events over the internet meets the scope of the claimed limitation ""automatically publishing the content on a remote sever".

(B) Argument: The system of Emens does not provide the capability for the user to access content for an event captured by a sensor that has been published, for example, a web page. Emens teaches a system and method for providing notification of real-world events over the Internet using digital images. A user may define an event notification profile such that, when a sensor receives an indication that corresponds to those of the notification profile, a notification, including digital images of the event, is sent to the user in an email. Emens makes available the captured content (digital images) to a remote email server, which a user can access (see abstract, col. 2, lines 25-58, col. 4, lines 27-32). The user is able to access the content for an event by logging on to their email account and viewing the captured content; therefore, Emens user access meets the scope of claimed limitation "providing the content to a user access device of a user associated with a user account".

Contact Information


33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
April 8, 2005


HOSAIN ALAM
PATENT EXAMINER